

1 before I actually sat down and read it.

2 Q. But the first time you saw that was
3 three months ago?

4 A. It looks like it was released on April
5 7. So yeah, about then. Probably right around
6 April 10 or whatever.

7 Q. So it's fair to say as soon as you
8 received it?

9 A. Yes.

10 Q. Okay. But you have no recollection of
11 seeing the inquiry letter that the commission
12 sent the first week of November, 2002?

13 A. That's correct. In fact, I don't know
14 that I have seen it to this day.

15 Q. Did you have any discussions with
16 anybody at Business Options about this November
17 inquiry letter?

18 A. Not until this whole thing came up.

19 Q. Let me show you a copy of it, and
20 maybe that will refresh your recollection as to
21 whether you saw that before.

1 A. No, I have never seen this. If you
2 want me to read it, I will read it. But I have
3 never -- Well, let me just make sure. I do
4 remember people asking questions about the Maine
5 customers.

6 Q. And that is contained in Attachment A
7 to the letter?

8 A. Yeah. But I don't even think I saw
9 this list of names. I think I was giving
10 people -- I think it was Shannon or Bill or
11 whoever it was -- access to anything they needed.
12 So they were just doing their thing, I am sure.
13 More than likely -- This is November -- I don't
14 remember, but more than likely, whoever got this
15 would have said something to me.

16 Q. But you have no memory of that
17 happening?

18 A. Correct.

19 Q. But you do remember that Miss Dennie
20 or Mr. Brzycki came to you to ask about the names
21 that are listed in Attachment A to that letter?

1 A. This is November 1, so Bill would have
2 been gone. When did I -- It actually seems more
3 recent, maybe in the subsequent -- I think they
4 are called interrogatories, you guys needed some
5 data about the customers -- eight customers.
6 That's more fresh in my mind than this, and I
7 think that was just to find out -- I know Kurtis
8 sent something to get information on eight
9 customers, and I just sent it right on to
10 Elizabeth. And she and Shalanda got all the
11 information for whatever Kurtis needed.

12 Q. When you first looked at that
13 Attachment A, it seemed to ring a bell. I was
14 wondering why that was.

15 A. Well, the second name, Paul Bracket --
16 he is on the other list, I think. Or Crowley,
17 that name is familiar. This seems to be a
18 different list than the one I saw because this is
19 two pages. And the one I saw, I think it came
20 with an order. Basically it said, "We need
21 information on these eight people," and it might

1 have even been a list that Kurtis typed up.

2 Q. Would you look at -- there's a list in
3 the back of the Show of Cause Order.

4 A. Okay.

5 Q. See if that one refreshes your memory.

6 A. Okay.

7 Q. At least I hope there is a list.

8 A. All right.

9 Q. And I know that handwriting you
10 probably didn't see.

11 A. Yeah, there was no writing. Yeah,
12 there's Crowley and Bracket. That looks
13 familiar. Maybe that's what Kurtis sent through,
14 just a copy of that with his order to get all the
15 information on it.

16 Q. Okay. So between the beginning of
17 November and when you first saw the Show of Cause
18 Order, you had no understanding that the FCC was
19 looking into the allegations of slamming?

20 A. Correct.

21 Q. You have no memory of any

1 conversations during that time period; that is,
2 November through April; of any conversations you
3 had with anybody at BOI about the FCC
4 investigation?

5 A. No. My attention seemed to be on --
6 it seemed like Shannon may have sent me some type
7 of an update, but I would have to look through
8 files or something because I don't know for sure.
9 But it seems like they were sending us updates on
10 all the states, the progress of Buzz becoming
11 licensed in all the states. Because our plan is
12 to eventually operate just as Buzz Telecom in all
13 the states, and that's where my attention was.
14 So every now and then I would get updates. So,
15 anyway, there may have been something -- I just
16 don't recall right now.

17 Q. Who brought the Show of Cause Order to
18 your attention?

19 A. I think it was Shannon. I think
20 Shannon received it and brought it over to me.

21 Q. Do you remember what she said to you?

1 A. I don't remember the exact words, but
2 I remember she called me. She was matter of
3 fact, and it seemed like she said something like,
4 you know, "I need to bring something over to you
5 that seems important." But it was -- It didn't
6 seem out of the ordinary to me. And then when I
7 got it, I remember going, "Wow, what is this?
8 Does Kurtis have it?" or whatever.

9 Q. Did she answer that question?

10 A. I don't think he was there that day,
11 or he came in later that day. And she said that
12 he was getting a copy of it.

13 Q. Did you give Miss Dennie any tasks
14 with respect to responding to this Show of Cause
15 Order?

16 A. No. I remember sitting there. I was
17 in the middle of something, and I told her thank
18 you. After looking at the seriousness of it, I
19 put it in my "in" basket so that I could read it,
20 you know, when I had a minute. It was too
21 overwhelming, I guess. I'm not used to getting

1 this type of stuff.

2 Q. When did you eventually read it?

3 A. I think I read the -- That day I read
4 like the first page and got the seriousness of
5 it. And then it seems like it was a month later,
6 maybe even six weeks later, that I sat down with
7 a dictionary and, you know, read it and looked up
8 some of the words that I didn't know what they
9 meant.

10 Q. Did you have any understanding in that
11 month period that somebody at the company was
12 doing something with respect to this Show of
13 Cause Order?

14 A. Yeah, I had the understanding that
15 Kurtis and Shannon were on it.

16 Q. Did they talk to you about what they
17 were doing?

18 A. No.

19 Q. How did you have the understanding
20 that they were on it?

21 A. Well, because she had brought it to

1 me. And then I had verified that she got a copy
2 to Kurtis. And then I talked to Kurtis, "Did you
3 get this document?" And he said, "Yeah, I'm
4 going to take care of it." It was part of his
5 hat or his area. So it obviously seemed to me to
6 be something pretty big and significant. So if
7 he was on it, I didn't need to be.

8 Q. Even though it involved allegations of
9 slamming?

10 A. Yes.

11 Q. Would it be fair to say that a slam,
12 you know, if it were to happen, hypothetically,
13 would be under your supervision or under your
14 watch as head of sales and marketing?

15 A. Yeah, I guess it would be fair to say
16 that currently. I think that -- I am thinking of
17 provisioning also. Because if somebody data
18 enters somebody incorrectly, you know, that's
19 more of a concern of mine, too. I am over that
20 area, too. So, yes, it would be fair to say
21 that.

1 Q. Because what I am trying to piece
2 together here is -- You have done a pretty good
3 job of telling me what your responsibilities were
4 within the company --

5 A. Okay.

6 Q. -- currently and within the last
7 couple of years. But it seems to me that if the
8 FCC sends a Letter of Inquiry in November that
9 involved allegations of slamming, it would be
10 natural that somebody at the company would come
11 to you to help respond to that letter. And I
12 want to know -- I am trying to get an idea of why
13 that didn't happen, if you know.

14 MR. HAWA: Trent, if I could, you have
15 asked a variety of questions on the same point
16 here. I think what he is saying is the Order
17 itself is a legal matter, and it went to the
18 legal department under Kurtis to be handled.
19 That doesn't mean that the issues raised in the
20 legal complaint wouldn't involve Keanan at some
21 point or any number of 30 or 40 other people for

1 information to answer the questions.

2 MR. HARKRADER: I am asking about the
3 inquiry letter right now. Because the inquiry
4 letter shows up, and --

5 MR. HAWA: Oh, the inquiry letter; not
6 the Show of Cause Order.

7 MR. HARKRADER: Correct. Because the
8 inquiry letter shows up, and it's got, you know,
9 significantly more than eight names on it. And
10 these are all allegations that the company may or
11 may not have slammed these people.

12 MR. HAWA: You confused me there. I
13 thought you were still talking about the Show of
14 Cause Order being handled by Kurtis. Now you are
15 going back.

16 WITNESS: I misunderstood you, too.

17 MR. HAWA: It's the Letter of Inquiry.

18 WITNESS: Yeah, the Letter of Inquiry,
19 until today, I hadn't seen.

20 BY MR. HARKRADER:

21 Q. But you have no explanation as to why

1 no one in the company came to you when the
2 company received the inquiry letter to get your
3 assistance at the very least in responding to it?

4 A. No, I don't have a good explanation
5 for that.

6 Q. Okay. In 2002, were you familiar with
7 the FCC rules concerning carrier exchanges?

8 A. I am not sure.

9 Q. When a carrier -- When a user or
10 customer wants to switch long-distance carriers,
11 there are certain FCC rules that apply to that
12 situation. Were you familiar with those rules in
13 2002?

14 MR. HAWA: Objection. Are you asking
15 "familiar," or if he knows the rules?

16 Q. Were you familiar with them?

17 A. I know that there are rules. I don't
18 know the rules very well. I don't think I even
19 studied or read them. I know you have to, you
20 know, have a letter of agency written
21 authorization or some type of electronic

1 verification or a third-party verification. I
2 kind of know that.

3 Q. Did you know that in 2002?

4 A. Yes.

5 Q. I will ask the same question with
6 respect to the "Pick Freeze" rules. Were you
7 familiar with those rules in 2002?

8 A. The "pick freeze" rules. I don't
9 think I am familiar with them even today,
10 actually, so --

11 Q. Yesterday, when we were speaking with
12 your brother, he told us about "pick freezes."
13 And he said at one point Business Options, when
14 they signed up a new customer, would then get on
15 the line with the LEC, whether it was Ameritech
16 or somebody else, and assign a "pick freeze" to
17 that customer's account. Are you familiar with
18 that policy?

19 A. That, yes.

20 Q. Are you familiar with the fact that
21 policy was in effect?

1 A. Yes.

2 Q. Did you know in 2002 that there were
3 commission rules regarding those "pick freezes?"

4 A. No.

5 Q. Okay. Getting back to that -- to the
6 practice of having the customers set up a "pick
7 freeze" with the local exchange carrier once you
8 signed them up for Business Options service, did
9 you have any input into making that a policy of
10 the company?

11 A. I am sorry, I didn't really follow the
12 question.

13 Q. Okay. You are familiar with Business
14 Options' policy -- Well, at one point it was
15 Business Options' policy --

16 A. Uh-huh.

17 Q. -- to have a "pick freeze" -- or have
18 the customer put on a "pick freeze" onto their
19 phone or onto their line at the time that
20 Business Options signs them up.

21 A. Okay. I see where you are going.

1 Q. You are familiar with that policy?

2 A. Yeah.

3 Q. When was that policy in effect?

4 A. Well, up until recently, when we found
5 out it was wrong, and we changed it. So for a
6 couple of years, at least. I do remember when we
7 had a lot of challenges. It wasn't really over
8 that, though. It seems like -- it wasn't over
9 sales for sure then. But I know what you are
10 talking about. We used to have the sales
11 representatives three-way into the local exchange
12 with the customer because a lot of customers
13 wanted -- they wanted to stick to the service and
14 not get it changed back. And they would do the
15 "pick freeze" right there on the three-way with
16 the local exchange carrier. But what was
17 happening is they would get through to Ameritech
18 or whoever, Verizon, and there were really long
19 lengths of time, like 30 minutes or more, before
20 they could -- you know, there was some type of
21 rotation with the LEC, and it just slowed the

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1 process. The customers didn't want to wait on
2 the phone that long to do the "pick freeze" is
3 what was happening. So we put in our own "pick
4 freeze" process until they canceled with us
5 directly. Anybody that dropped off was put back
6 on the service.

7 Q. Okay. When did -- If you can recall,
8 when did Business Options begin the process of
9 three-way with the LEC in order to assign "pick
10 freeze" to the customer's line?

11 A. It seems like maybe '99.

12 Q. Okay. And then for how long was that
13 policy in place?

14 A. Until a month or two ago.

15 MR. HAWA: You might want to re-ask
16 that.

17 MR. HARKRADER: Yeah.

18 BY MR. HARKRADER:

19 Q. Along the way, you changed it rather
20 than the three-way to the LEC --

21 A. Oh, I'm sorry.

1 Q. When did you start three-way to the
2 LEC?

3 A. That, I don't know for sure.

4 Q. Do you have an approximate date or
5 approximate month?

6 A. If I was going to guess, 2000,
7 somewhere in there.

8 Q. And at that time, you put a new policy
9 in place with respect to these "pick freezes?"

10 A. Yes.

11 Q. And that policy was that you
12 wouldn't -- that Business Options would not
13 change the customer to another long-distance
14 carrier unless the customer called Business
15 Options and told them that they wanted to change?

16 A. Well, we can't actually change them to
17 another carrier. That's all done at the LEC or
18 the carrier level. But, yes, to answer your
19 question. In theory, unless they called and
20 canceled us, we assumed they wanted our service
21 still after ordering it. So if they were dropped

1 off, they were put back on our service.

2 Q. And that policy was in place until a
3 couple of months ago?

4 A. Correct.

5 Q. Okay. Did you have any input, or did
6 you help make the decision to put the three-way
7 calling policy into effect in '99?

8 A. No.

9 Q. Who made that?

10 A. Kurtis.

11 Q. Did he talk to you about that?

12 A. No. At that time, I had very little
13 to do with sales and marketing.

14 Q. Okay. When you first -- When you
15 stepped into the sales and marketing division,
16 did you know about that policy?

17 A. When I stepped into where I was
18 overseeing the expansion; division six, we call
19 it; we were not three-way calling. So at that
20 point, we had the other process.

21 Q. Okay. So I also -- I assume it's fair

1 to say that when you had the second part of the
2 process, where you didn't three-way call, you had
3 no input into that policy change or that process
4 change?

5 A. Correct. That was already in
6 existence.

7 Q. Okay. Thank you for understanding
8 that question.

9 A. Okay. No, that's okay.

10 Q. I want to take you back to just the
11 last couple of months. You mentioned earlier
12 that someone came to you with a request to
13 respond to some sort of information that was
14 responsive to the Show of Cause Order. Is that
15 what you said?

16 A. It seems like we had to gather some
17 information on the eight people.

18 Q. All right.

19 A. And I think it was Maine customers, I
20 don't know. It may have been Vermont. Anyway,
21 it was a memo basically or a dispatch from Kurtis

1 through me to Elizabeth's area. And then
2 Elizabeth and Shalanda gathered the information
3 on who sold the customer, who verified the
4 customer, the names of the entities, stuff like
5 that. That's what I recall.

6 Q. Did you have any role in that, other
7 than putting the dispatch through?

8 A. No. I like computers, but that's one
9 area where it definitely was in Shalanda's area,
10 the control of the customer base on the computers
11 and whatnot.

12 Q. What do you mean by the control of the
13 customer base?

14 A. Well, that's their area. So all the
15 databases, any information, the software that we
16 lease to, you know, bill and data-enter customers
17 and all that -- that's Shalanda and Elizabeth.
18 So any information we need from that -- I don't
19 even know how to use our software system, I guess
20 is what I am trying to explain.

21 Q. But that's the natural place to go

1 within the company?

2 A. Yeah. If I need something, I go to
3 them. And there are enough people there who can
4 help me, so --

5 Q. Okay. Did you have any discussions
6 with Kurtis about that dispatch when it went
7 through?

8 A. I don't think so. I mean, he may have
9 made a phone call to say, "I need this now," you
10 know right away and made it a rush, something
11 like that. But did I know it was related to
12 this? It seems like -- I just don't remember any
13 discussions, but it may have been on the dispatch
14 itself. But I knew they needed the information
15 for the FCC situation they were working on; that
16 it was important.

17 Q. Did there come a time in the second
18 half of 2002 when you became aware that the state
19 of Vermont was doing an investigation into
20 Business Options practices?

21 A. Yes. I was given some type of update

1 by Bill, but I remember -- what I knew about it
2 was that the billing company, I believe, stopped
3 accepting billing -- service fees and whatnot for
4 Vermont. And I am not sure if we even billed
5 their usage at that point. I was more aware of
6 the fact that we couldn't bill there anymore or
7 something. But as far as the details of why or
8 what the situation was, I never really knew. I
9 mean, I think I got an update from Bill, "We have
10 a situation in Vermont," you know, maybe a
11 paragraph long or something.

12 Q. When was this? When did you become
13 aware that you were no longer billing in Vermont?

14 A. I don't really remember for sure, but
15 it was last year. Yeah, last year.

16 Q. Do you remember how the Vermont
17 investigation resolved itself?

18 A. I get confused between Vermont and
19 Maine. I'm not sure -- I know one of the states
20 we ended up having to disconnect the customers
21 and basically move out of the state and not

1 operate there.

2 Q. But sitting here today, you don't know
3 whether that was Vermont or Maine?

4 A. No. But I am sure, you know, I've
5 seen a note on which it was. It seems like it
6 was Vermont.

7 Q. Do you have any memory, sitting here
8 today, that Business Options filed an application
9 to discontinue service in Vermont -- filed that
10 application with the FCC?

11 A. Is that a letter of discontinuance?
12 Is that what that's called?

13 Q. It's actually an application. It's
14 called a 63.71 application. I can show you a
15 copy of it.

16 A. Okay. No, that's --

17 Q. I am showing you a copy of a pleading
18 called Section 63.71 application filed by
19 Business Options with the FCC?

20 A. And this is basically a request that
21 we remove ourselves from --

1 Q. Yes.

2 A. Okay.

3 Q. Have you seen that before today?

4 A. No.

5 Q. Do you have any memory of that being
6 filed with the FCC in December of 2002?

7 A. No, definitely not.

8 Q. Did you have any discussions with your
9 brother about this?

10 A. No.

11 Q. Did you have any discussions with Lisa
12 Green or Shannon Dennie about the filing of that
13 application?

14 A. No. But I am sure that I would have
15 been told by corporate affairs, either in memo --
16 probably in memo fashion that we were no longer
17 able to market in Vermont. And then if we had to
18 do anything in the delivery area, I'm sure that
19 would have gone through me also, whether it be
20 not bill or remove customers from service or
21 whatever.

1 Q. But you have no memory today of
2 receiving that memo or dispatch?

3 A. No.

4 Q. Are you familiar with a company called
5 Great Lakes Verification?

6 A. Yes.

7 Q. Did Great Lakes Verification provide
8 verification for Business Options?

9 A. Yes.

10 Q. When did that happen?

11 A. Let's see. That was me, actually. I
12 actually d/b/a'd myself as Great Lakes
13 Verification. It was Arethea Gray who was
14 running the business, and then I took it from her
15 and tried to make it official. I did it for
16 about seven months, and that was in '97 into
17 maybe the first or second month of '98. And then
18 while I was working on a couple of projects of my
19 own, I was doing that also. And then I
20 discontinued that, and I think Kurtis went to
21 Susan Corder for verifications, and then to A&M

1 Verifications, and then to F&G Verifications.

2 Q. Okay. Getting back to Great Lakes
3 Verification -- do you remember in '97 -- You
4 took over for Miss Gray at Great Lakes?

5 A. Uh-huh.

6 Q. Why did you take over for her?

7 A. Good question. I think she was
8 leaving the company. She had married
9 Llewellyn -- they had met at the company, and I
10 think they were leaving, or she was leaving to --
11 maybe that's when they had their child -- what's
12 the child's name? Anyway, it might have been for
13 that.

14 Q. So she married a Business Options or
15 U.S. Bell employee?

16 A. Business Options.

17 Q. Can you spell that?

18 A. I hope so. L-L-E-W-Y-L-A-N is my best
19 guess. Oshla -- Their baby's name is Oshla.

20 Q. Do you know how to spell that?

21 A. That's easier -- O-S-H-L-A.